

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
SYLVIA IRVIN
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
Sylvia_Irvin@fd.org

6 Attorney for Juan Zubias-Gamez

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JUAN ZUBIAS-GAMEZ,

14 Defendant.
15

Case No. 2:20-mj-00695-BNW

**STIPULATION TO EXTEND
DEADLINES TO CONDUCT
PRELIMINARY HEARING AND
FILE INDICTMENT**

(Fourth Request)

16
17 It is stipulated and agreed to by and between United States Attorney Nicholas A.
18 Trutanich and Assistant United States Attorney Kimberly Frayn, counsel for the United States
19 of America, and Federal Public Defender Rene L. Valladares and Assistant Federal Public
20 Defender Sylvia Irvin, counsel for Defendant Juan Zubias-Gamez, that the preliminary hearing
21 and the deadline to file the indictment both currently scheduled for December 14, 2020, be
22 continued until January 11, 2021.

23 The Stipulation is entered into for the following reasons:

24 1. On August 13, 2020, Mr. Zubias-Gamez made an initial appearance on a
25 complaint charging him with one count of illegal re-entry. ECF No. 1.
26

1 2. The parties previously have asked the Court to continue the preliminary hearing
2 deadline and the deadline for the indictment to be filed. *See* ECF Nos. 12, 15. The Court has
3 granted both requests. *See* ECF Nos. 13, 16.

4 3. The Government has offered Mr. Zubias-Gamez a plea offer that requires him
5 to waive specific rights and hearings in exchange for a “fast-track” downward departure under
6 USSG § 5K3.1. The offer will be withdrawn if it is not accepted before a preliminary hearing
7 is held or if the defendant is indicted.

8 4. Undersigned counsel has met with Mr. Zubias-Gamez since the filing of the last
9 stipulation of the preliminary hearing. He needs more time to consider the plea offer. He has
10 authorized undersigned counsel to ask this Court to continue the preliminary hearing until
11 January 11, 2021.

12 5. Mr. Zubias-Gamez has also asked for new counsel to be appointed and
13 undersigned counsel is filing a motion to withdraw as counsel in a separate pleading filed
14 simultaneously with this motion. This requested stipulation will allow new counsel sufficient
15 time to review the discovery and appropriately counsel Mr. Zubias-Gamez on the plea offer.
16 Counsel for the Government has agreed to leave the plea offer available to Mr. Zubias-Gamez
17 until January 11, 2021.

18 6. The parties agree to the extension of the preliminary hearing deadline as stated
19 in Federal Rule of Criminal Procedure 5.1(c), and an extension of the time for the Government
20 to file an indictment in this case as stated in 18 U.S.C. § 3161(b).

21 7. The parties understand that this requested additional time is excludable in
22 computing the time within which the defendant must be indicted and the trial must commence
23 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of
24 Criminal Procedure 5.1, and considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and
25 (iv).

26 8. Mr. Zubias-Gamez is in custody and agrees to this stipulation.

9. This is the fourth request to continue the preliminary hearing.

DATED this 10th day of December, 2020

RENE L. VALLADARES
Federal Public Defender

NICHOLAS TRUTANICH
United States Attorney

By: Sylvia A. Irvin

By: Kimberly M. Frayn

SYLVIA A. IRVIN
Assistant Federal Public Defender

KIMBERLY M. FRAYN
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JUAN ZUBIAS-GAMEZ,

7 Defendant.

Case No. 2:20-mj-00695-BNW

8 **ORDER**

9
10 Based on the stipulation of counsel, good cause appearing, and in the best interest of
11 justice being served, the Court finds that the time requested by this stipulation is excludable in
12 computing the time within which the defendant must be indicted and the trial herein must
13 commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), Federal Rule
14 of Criminal Procedure 5.1, and considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and
15 (iv); and

16 IT IS THERFORE ORDERED that the Preliminary Hearing currently scheduled for
17 December 14, 2020, at 9:00a.m., be vacated and continued to January 11, 2021, at 8:30 AM.

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19
20 DATED this 11th day of December, 2020.

21 

22 UNITED STATES MAGOSTATE JUDGE